

ORIGINAL

2008R00322/SBK

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA :
 : Hon.
 :
 v. : Criminal No. 09- 621 (JEI)
 :
 : 26 U.S.C. § 7206(1)
 RAFAEL MARTE :

I N F O R M A T I O N

The defendant having waived in open court prosecution by indictment, the Acting United States Attorney for the District of New Jersey charges:

COUNT 1
 (Filing of a False Tax Return)
26 U.S.C. § 7206(1)

1. At all times relevant to this Information:
 - a. Company A was a wholesaler of food, beverages, and other sundries to businesses located in Hudson County.
 - b. Defendant RAFAEL MARTE owned and operated Marte Delivery Corporation ("MDC"). MDC serviced Company A's customers, either by delivering goods that MDC's customers had purchased at Company A, or by selecting, purchasing and delivering Company A goods to those customers, in exchange for a delivery fee.
 - c. As a service provider to Company A, defendant RAFAEL MARTE was authorized to process credit card transactions at Company A on behalf of Company A's and MDC's customers.

2. Beginning at least as early as January 1, 2004, defendant RAFAEL MARTE accepted credit cards to be used for payment at Company A that he knew to be fraudulent ("the Fraudulent Credit Cards") from Akbar Wrind ("Wrind") and Zubair Rehman ("Rehman"), co-schemers who are not named as defendants herein, and others.

3. Defendant RAFAEL MARTE used and caused the Fraudulent Credit Cards to be used at Company A to purchase goods, which MDC then provided to Wrind, Rehman, and others.

4. In exchange for using and causing the Fraudulent Credit Cards to be used at Company A, defendant RAFAEL MARTE received loans, cash payments, and in-kind payments of merchandise in amounts of up to 10 percent of the total amount charged to the Fraudulent Credit Cards ("the Kickback Payments").

5. Defendant RAFAEL MARTE used the Kickback Payments to pay for purely personal expenses, including, among other things, mortgage and utility payments on his residence.

6. Defendant RAFAEL MARTE did not declare as income on his United States individual income tax returns the Kickback Payments that he received from Wrind, Rehman, and others.

7. For the tax year 2004, as a result of his use of the Kickback Payments, defendant RAFAEL MARTE had approximately \$29,617 in undeclared income, upon which there was a payment due and owing to the Internal Revenue Service of approximately \$3,738.

8. On or about April 12, 2005, in Passaic County, in the District of New Jersey, and elsewhere, defendant

RAFAEL MARTE

did knowingly and willfully make and subscribe a 2004 United States Joint Individual Income Tax Return, Form 1040, which was verified by a written declaration that was made under the penalties of perjury which he did not believe to be true and correct as to every material matter, namely, the amount of total income stated therein.

In violation of Title 26, United States Code, Section 7206(1).

COUNT 2
(Filing of a False Tax Return)
26 U.S.C. § 7206(1)

1. The allegations contained in paragraphs 1 through 7 of Count 1 of this Information are re-alleged as if stated herein.

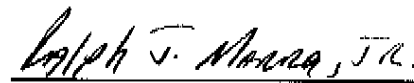
2. For the tax year 2005, as a result of his use of the Kickback Payments, defendant RAFAEL MARTE had approximately \$186,891 in undeclared income, upon which there was a payment due and owing to the Internal Revenue Service of approximately \$48,709.

3. On or about April 12, 2006, in the District of New Jersey and elsewhere, defendant

RAFAEL MARTE

did knowingly and willfully make and subscribe a 2005 United States Joint Individual Income Tax Return, Form 1040, which was verified by a written declaration that was made under the penalties of perjury which he did not believe to be true and correct as to every material matter, namely, the amount of total income stated therein.

In violation of Title 26, United States Code, Section 7206(1).


RALPH J. MARRA, JR.
Acting United States Attorney

CASE NUMBER: _____

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

RAFAEL MARTE

INFORMATION FOR

26 U.S.C. § 7206(1)

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